REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

The rejection of claims 1-8 under 35 U.S.C. §103 as allegedly being made "obvious" based on Nitta '306 and Filo '498 is respectfully traversed.

In a nutshell, neither of the cited references control a mobile device interface in response to detected attributes of the environment and physical context of the mobile interface device as it is being used by a mobile user. Instead, both these devices, at best, detect a particular user's gestures and/or facial expressions and/or body movements to control an animated icon representing that participant.

As the Examiner has already recognized, the primary Nitta reference actually does this only in the context of a <u>fixed</u> location user/interface device. The Examiner alleges that it nevertheless would have been obvious to modify the fixed location Nitta so as to include mobile functionality of Filo. However, even if such a modification is considered *arguendo*, one would still be left with the modified device, at best, still only detecting the participant gestures and/or facial expressions as well as body movements so as to modulate an animated icon of that participant. That is, one would still not have a system which utilizes a physical context detector for detecting attributes indicative of the environment and physical context of the mobile interface device as it is being used by a mobile user – and wherein the user interface responds to outputs of such a detector so as to make a corresponding adjustment to the interface visual and/or audio outputs.

With respect to claim 2, the Examiner's allegations are even less understood. Claim 2 actually requires the visual output to be <u>inhibited</u> when the physical context detector indicates that the user is not substantially stationary. Where is there any possible teaching of any such inhibition in either cited reference?

With respect to claim 3, the Examiner alleges that the steering of stereophonic sound towards the individual determined to be speaking somehow suggests making compensatory adjustments to audio output in response to detected ambient noise in the vicinity of the user. Clearly neither of the references teaches anything with respect to the detection of ambient noise – let alone any compensatory adjustment to the audio output in response to detected ambient noise.

With respect to claim 4, even if Filo does teach one input source as a GPS input, where is there any teaching that such an input is utilized to make a corresponding adjustment to the user's visual display interface output?

With respect to claim 5, the Examiner alleges that a GPS input would be sufficient to determine if the user is inside a building. However, as explained at page 7, lines 4 et seq of applicant's specification, often times GPS signals do not propagate properly <u>inside</u> buildings so that a GPS sensor located inside a building may not give any useable signal (or signal may be inaccurate in some respects). Still further, even if it might be possible to construct a database which might be able to determine from historical GPS data that the user has effectively "disappeared" inside a building, where is there any such teaching that such <u>possibility</u> would actually be useful or utilized in either of the cited references?

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Claims 6 and 7 depend directly or indirectly from claim 4 and it is thus not believed necessary to further explain the additional deficiencies of the cited references with respect to these claims. However, it is noted that the Examiner's discussion of required "alert at the audio output" in claim 7 does <u>not</u> reasonably correspond to stereoscopic steering of audio outputs or the like.

With respect to claim 8, the Examiner essentially merely repeats the grounds of rejection advanced for claim 1 and already discussed above.

Applicant's mobile device has a user interface that changes according to outputs of a physical detector. The physical detector detects aspects of the user's physical context such as location, movement and direction of movement, and ambient noise levels. If the physical detector detects, e.g., that the user is moving, the video output on the mobile device may be turned off in favor of audio output only. If the physical detector detects a high level of background noise, the volume of the audio output could be increased in compensation (page 9, lines 13 to 32 of the specification).

Nitta '306, on the other hand, is concerned with the presentation of an attendee within an electronic meeting place. A "persona control" establishes what an attendee is doing at this user station, and presents this – together with any modification made thereto – to other attendees at the meeting place (column 5, lines 9 to 13) as an animated figure within the animated meeting place. This is the solution to problems stated in claim 2, lines 21 to 68, which are generally that the prior art techniques of video conferencing using the actual image of the attendees, uses too

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much of a valuable resource, is inflexible, and provides too much and too little information at the same time.

While an embodiment of applicant's invention could include use of animated representations (or avatars) of the users within a virtual meeting place, that is not what is being claimed. The device of claim 1 includes a physical detector which detects "attributes indicative of the physical context" of the user which are then used to adjust the output of the visual an/dor audio output of the device. "Physical context" within the scope of applicant's description refers to the location, movement, etc. of the user, as noted above. This is not the same as, for example, a physical attribute of the user (e.g., gloom: Nitta column 5, line 21). Certainly there is nothing to suggest that the audio or visual output of the device should adjust in response to a detected change in the physical context – if indeed specific equivalents for the "device", or the audio or visual outputs of the device, and so on, can be found within Nitta.

Accordingly, Nitta describes how to present a modifiable representation of the attendees in a virtual meeting place – which is a different invention directed at a different problem, and distinguished from applicant's claimed invention.

Combining Nitta with Filo '498 also does not render applicant's invention obvious. This is because, e.g., as the Examiner observes, Filo describes a virtual environment for a teleconference similar to Nitta, except that the terminal users are mobile. The combination continues to relate to a different invention directed to a different problem, and is unlikely to offer any guidance to the skilled person trying to solve the problem which applicant's invention is directed to.
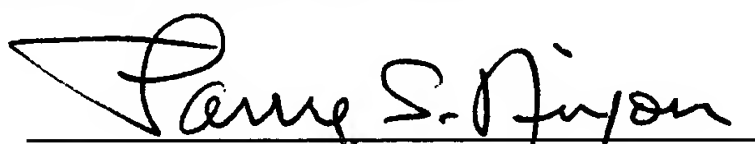
Attention is also directed to applicant's new method claims 9-16 which can be analogized to apparatus claims 1-8 respectively. It is believed to be self evident from these new method claims that they also patentably distinguish from any teaching or suggestion of the cited references.

Accordingly, this entire application is now believed to be in allowable condition and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

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